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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,785	01/29/2004	Carl Edward Werner	2003-0210	5857
7590	02/21/2008			
Mr. S.H. Dworetsky AT&T Corp. PO Box 4110 Middletown, NJ 07748			EXAMINER WON, MICHAEL YOUNG	
			ART UNIT 2155	PAPER NUMBER
			MAIL DATE 02/21/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/767,785

**Applicant(s)**

WERNER, CARL EDWARD

**Examiner**

Michael Y. Won

**Art Unit**

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-6 and 8-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-6 and 8-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This action is in response to the amendment filed December 10, 2007.
2. Claims 1, 3, 6, and 8 have been amended and claims 1 and 7 have been cancelled.
3. Claims 1, 3-6, and 8-11 have been examined and are pending with this action.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 5, 6, 8, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al. (US 2002/0198946) in view of Aravamudan et al. (US 6,301,609).

### **INDEPENDENT:**

As per **claim 1**, Wang teaches an arrangement for transmitting electronic updates/alerts over a data network to a plurality of data network system users, the arrangement comprising:

a website update/alert administrator (see page 1, [0002]: "centralized alert delivery system"), coupled to the data network (see page 2, [0031]: "linked through a communication network"), for receiving update or alert messages from said network (see page 1, [0002] & [0012]: "To support delivery of time-critical, high-importance alerts"), said website update/alert administrator including:

a target listing of various IM users to associate users with different types of updates and alerts (see page 2, [0013]: "A user defines his or her own set of delivery modes, each of which corresponds to a personalized dependability level"),

a transmission element for sending an automated IM (see page 2, [0015]: "automated") to each user, the automated IM including the update/alert message information (see Fig.3); and

a listing of email addresses for each user, wherein an email version of an update/alert is sent if a user is not involved in the IM session at the time the automated IM is sent (see page 2, [0014]: "Each user in the system has an alert center that is always online for receiving and acknowledging IM-alerts and has at least one e-mail address as a fallback mechanism").

Although Wang teaches a database of instant messaging (IM) users (see Fig.3, #328 and page 4, [0058]: "The mapping module 328 is configured by the user 304 to direct alerts received from various sources to an SMS address 330, an e-mail address 332 and/or an IM address 334"), Wang does not explicitly teach of groups including a set of members from the plurality of data network system users.

Aravamudan teaches of groups including a set of members from the plurality of data network system users (see col.2, lines 33-35: "The user creates buddy groups and defines specific attributes to associate (buddies) included within each group").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Wang in view of Aravamudan by implementing groups including a set of members from the plurality of data network system users. One would be motivated to do so because "IM clients also allow the user to specify a list of known identifiers for others of the IM system, often defined as a "buddy list"" (see applicant(s) disclosure paragraph [0003]). Therefore this would allow certain alerts to be delivered to groups rather than only individuals.

As per **claim 6**, Wang teaches a method of transmitting update/alert messages over a data network to a plurality of data network system users, the method comprising the steps of:

a) receiving, at a website administrator (see page 1, [0002]: "centralized alert delivery system"), an update/alert message to be sent to a plurality of system users (see page 2, [0014]: "Each user in the system has an alert center that is always online for receiving and acknowledging IM-alerts and has at least one e-mail address as a fallback mechanism");

b) using the message information, retrieving a targeted listing of IM users to whom the update/alert message should be sent (see Fig.3, #328 and page 4, [0058]: "The mapping module 328 is configured by the user 304 to direct alerts received from

various sources to an SMS address 330, an e-mail address 332 and/or an IM address 334”);

c) transmitting the update/alert message as an automated (see page 2, [0015]: “automated”) IM to each user (see Fig.3);

d) determining if any users are not involved in the IM session at the time the automated IM is sent (see page 2, [0014]: “has at least one e-mail address as a fallback mechanism” and page 5, [0059]: “if the user is not available for IM or the alert fails to be delivered via IM, then the alert is delivered by e-mail”); and, if so,

e) retrieving the email address of each user not involved in the IM session (see page 2, [0014]: “has at least one e-mail address as a fallback mechanism” and page 5, [0059]: “if the user is not available for IM or the alert fails to be delivered via IM, then the alert is delivered by e-mail”); and

f) transmitting an email version of the automated IM to each user not involved in the IM session (see page 2, [0014]: “has at least one e-mail address as a fallback mechanism” and page 5, [0059]: “if the user is not available for IM or the alert fails to be delivered via IM, then the alert is delivered by e-mail”).

Wang does not explicitly teach of groups including a set of members from the plurality of data network system users.

Aravamudan teaches of groups including a set of members from the plurality of data network system users (see col.2, lines 33-35: “The user creates buddy groups and defines specific attributes to associate (buddies) included within each group”).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Wang in view of Aravamudan by implementing groups including a set of members from the plurality of data network system users. One would be motivated to do so because "IM clients also allow the user to specify a list of known identifiers for others of the IM system, often defined as a "buddy list"" (see applicant(s) disclosure paragraph [0003]). Therefore this would allow certain alerts to be delivered to groups rather than only individuals.

**DEPENDENT:**

As per **claim 3**, which depends on claim 1, Wang further teaches wherein the email version of the update/alert requests an acknowledge reply from each IM group member receiving the email version of the update/alert (see page 5, [0060]: "requires explicit acknowledgement from the user to confirm" and [0066]-[0067]).

As per **claim 5**, which depends on claim 1, Wang further teaches wherein the automated IM includes a request for acknowledge of receipt by each IM group member to confirm that each member of the IM group has received the update/alert (see page 5, [0060]: "requires explicit acknowledgement from the user to confirm" and [0066]-[0067]).

As per **claim 8**, which depends on claim 1, Wang further teaches wherein the transmitted email version includes a request for each user to transmit a confirmation reply message (see page 5, [0060]: "requires explicit acknowledgement from the user to confirm" and [0066]-[0067]).

As per **claim 10**, which depends on claim 6, Wang further teaches wherein the automated IM message transmitted in step c) includes a request to acknowledge receipt of the message by each IM group member by transmitting a confirmation reply message to the website administrator (see page 5, [0060]: "requires explicit acknowledgement from the user to confirm" and [0066]-[0067]).

As per **claim 11**, which depends on claim 10, Wang further teaches wherein the method further comprises the step of: g) associating each received acknowledgement with a proper IM group member to determine which IM groups have received the update/alert and which IM group members have not received the update/alert (see page 5, [0060]: "requires explicit acknowledgement from the user to confirm" and [0066]-[0067]).

5. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al. (US 2002/0198946) and Aravamudan et al. (US 6,301,609), and further in view of Dalal et al. (US 2002/0065894).

As per **claims 4 and 9**, which respectively depend on claims 1 and 6, Wang and Aravamudan do not explicitly teach wherein automated IM includes a trailer portion indicating that the IM is "automated" and "cannot be responded to".

Dalal teaches automated IM includes a trailer portion indicating that the IM is "automated" and "cannot be responded to" (see page 1, [0008]).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Wang and Aravamudan in view of Dalal so



that an automated IM includes a trailer portion indicating that the IM is "automated" and "cannot be responded to". One would be motivated to do so because the content of the message is subjective.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1, 3-6, and 8-11 have been considered but are moot in view of the new ground(s) of rejection. After further review of the amended claim language, the teachings of Wang et al (US 2002/0198946) and Aravamudan et al (US 6,301,609) clearly and explicitly teach the limitations. Dalal et al. (US 2002/0065894) remains to teach the missing limitations of claims 4 and 9.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Won/  
Primary Examiner  
February 6, 2008